FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Contempt Petition No. 74 of 2006

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directors and Registrar's Order	Court or Judge's Order

Mr P M Shah for petitioner

CORAM; A.M.KHANWILKAR J.

DATED 24.2.2006

P.C.

. I see no reason to entertain this petition. The directions issued by the trial court in its order dated 3.3.2003 against the defendant was to the effect that he shall not carry on commercial activity in the garage and use the garage only for parking scooter. From the photographs produced it is seen that there is nothing to show that any commercial activity is being conducted in the garage as such. Indeed, some banner has been put up outside the garage. The banner mentions the name and

address of the authorised marketing agent of Reliance India Mobiles which is referable to the activity of the defendant. That does not mean of carrying on commercial activity inside the garage. On the other hand the photograph indicates that the scooter has been parked inside the garage which is enclosed. The counsel for the petitioner however, would rely on the photograph at page 25 of the paperbook which does indicate that scooter has been parked in the passage. There is no injunction against the defendant that the scooter shall never be parked in the passage. The limited direction given by the trial court is with regard to the user of the garage only for parking and no other activity. As mentioned earlier there is nothing on record to show or even to remotely suggest that any commercial activity is being conducted in the garage as such. The fact that the defendant has now purchased a new vehicle and has also started parking the same in the common passage can be

no ground for initiating contempt action. Hence petition is dismissed.